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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number 10/058,025

Filing Date January 28, 2002

First Named Inventor Hirofumi Ito

Art Unit 2613

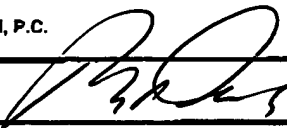
Examiner Name Tung T. Vo

Attorney Docket Number 13888

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Dowell & Dowell, P.C.		
Signature			
Printed Name	Ralph A. Dowell		
Date	11/30/2004	Reg. No.	26868

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 13888

In re application of Hirofumi Ito et al.

Serial No.: 10/056,025

Filed : January 28, 2002

For : IMAGE GENERATING METHOD,
APPARATUS AND SYSTEM USING CRITICAL
POINTS

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) Art Unit: 2613

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) Examiner: Tung T. Vo
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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated November 2, 2004,
Applicant hereby provisionally elects Group I – Claims 1-6, 12-16 and 26-27. The
election is made with traverse.

The Examiner has indicated that Claims in Group II, III, IV and I are related as
combination and sub-combination. The Examiner has not made reference to Group V,
however we anticipate that the Examiner intended to include this Group with the others
noted above.

The traversal of the restriction requirement is based on a lack of a
showing in the Restriction Requirement of the serious burden that would be imposed if
all the claims were examined in a single application. It is respectfully submitted that the

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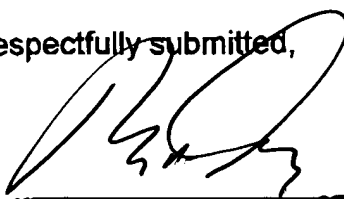
search and examination of the claim Groups could be made without serious burden. MPEP § 803 indicates that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". Specifically, although it is alleged that the distinct inventions "have acquired a separate status in the art as shown by their different classification," MPEP §808.02(1) requires not only that the distinct inventions have acquired separate status in the art by showing their separate classification, but also that "a separate field of search" is required. It is respectfully submitted that no such showing is made out in the Restriction Requirement. To the contrary, although Applicant's counsel will not claim to be skilled in using the Manual of Classification, it appears that it would be necessary to search the claims in the Groups in each of the classes/subclasses listed on page 2 of the Restriction Requirement to fully search these inventions. For this reason, it does not appear that a prima facie showing of the need for restriction of the claims in Groups I through V has been established, and in the absence of such a showing, Applicant traverses and requests reconsideration of the restriction requirement.

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Should the Examiner believe anything further is desirable in order to place the application in better condition for examination on the merits and allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

By



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Dated: 11/30/2004

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